

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 191 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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HAJI TARMOMAD SULEMAN

Versus

ISHVARDAN GADHAVI

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Appearance:

MR RC KAKKAD for Petitioner

RULE SERVED for Respondent No. 1, 9

M/S THAKKAR ASSOC. for Respondent No. 4

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CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 27/07/98

ORAL JUDGEMENT

By consent of the learned advocates appearing for the rival parties, this appeal is taken up for final disposal today.

2. Heard.

3. This appeal is directed against the impugned

order dated 9th March, 1998 rendered by the learned Civil Judge, (S.D.), Jam Khambhalia below interim injunction application Exh. 5 in Special Civil Suit No. 1 of 1997. Having gone through the decision of the trial Court and having heard the learned advocates for the parties, I am of the opinion that the learned trial Judge has taken care of the equity that might arise in future while dealing with the prima-facie case as between the parties. In that view of the matter, no indulgence can be shown against the impugned order in this appeal from order. The impugned order appears to be just and legal and, therefore, this appeal is dismissed with no order as to cost with an observation that the learned trial Judge, while dealing with the suit and deciding the same, will not be led away by the impugned order and will decide the suit strictly in accordance with law.

27.7.1998. (M.S.Parikh,J.)

Vyas